

VILLAGE OF BARRINGTON HILLS

Minutes of the Regular Meeting of the Board of Trustees
Thursday, May 23, 2013

President McLaughlin called the Regular Meeting to order at 6.32 p.m. Roll Call.

Present

Martin J. McLaughlin, President
Fritz H. Gohl, President Pro-Tem
Joseph S. Messer, Trustee
Karen S. Selman, Trustee
Patty Meroni, Trustee
Colleen Konicek, Trustee
Michael Harrington, Trustee

Guests

Leslie Coolidge, resident
Jack Reich, resident
Marvin Husby, resident
Dede Wamberg, resident
Jim Hammond, resident
William Adair, resident
Brian Dunlap, resident
Skip Gianopulos, resident
Jean Mandrell, resident
Dan Strahan, Village Engineer

Michael Murphy, Police Chief
George Lynch, Village Attorney
Robert Kosin, Village Administrator
Dolores Trandel, Village Clerk

Trustee Selman motioned to adjourn to Executive Session to discuss pending litigation and matters of personnel at 6:32 p.m. Trustee Meroni seconded. Roll Call.

Ayes: 7 (Harrington, Konicek, Meroni, Selman, Messer, Gohl & McLaughlin)

Nays: 0

Absent: 0

Meeting Adjourned

EXECUTIVE SESSION

PUBLIC SESSION

President McLaughlin called the Public Meeting to order at 8:12 p.m.

Pledge of Allegiance

PUBLIC COMMENTS:

Brian Dunlap, 508 Pond Gate – requested the continued support of the Village regarding IAA.

Maureen Crump, 31 Braeburn Lane – made a plea to the Board to make Village flood issues a priority.

Jack Reich, 110 Brinker Road - read to the Board of Trustees, a four page statement requesting an independent investigation of committee appointments and potential violations.

APPROVAL OF MINUTES

Trustee Gohl motioned to approve the Minutes of the April 22, 2013 meeting. Trustee Meroni seconded. All present said Aye. Trustees Konicek and Harrington and President McLaughlin abstained.

Motion Approved

Trustee Selman motioned to approve the Minutes of the May 6, 2013 Special meeting. Trustee Gohl seconded. All present said Aye.

Motion Approved

Trustee Gohl made the motion to dispose the Executive Session Meeting Recordings of August 22, 2011. Trustee Selman seconded. All present said Aye.

Motion Approved

FINANCE – Karen S. Selman

Treasurer's Report - Trustee Selman motioned to accept the Treasurer's Report for April, 2013. Trustee Messer seconded. All present said Aye.

Motion Approved

Police Pension Board Report - Trustee Selman motioned to accept the Police Pension Board Report for April, 2013. Trustee Meroni seconded. All present said Aye.

Motion Approved

Overtime Reports - Trustee Selman made the motion to approve the Overtime Report from April 16, 2013 through May 15, 2013 totaling \$5,942.47. Trustee Meroni seconded. Roll Call.

Ayes: 7 (Harrington, Konicek, Meroni, Selman, Messer, Gohl & McLaughlin)

Nays: 0

Absent: 0

Motion Approved

Bills for Approval - Trustee Selman motioned to approve the bills for the month of April 16, 2013 to May 15, 2013, totaling \$187,864.20. Trustee Meroni seconded. Roll Call.

Ayes: 7 (Harrington, Konicek, Meroni, Selman, Messer, Gohl & McLaughlin)

Nays: 0

Absent: 0

Motion Approved

Roads And Bridges Transfer Ordinance – Trustee Selman motioned to approve the Roads and Bridges Transfer Ordinance. Trustee Meroni Seconded. Roll Call.

Ayes: 7 (Harrington, Konicek, Meroni, Selman, Messer, Gohl & McLaughlin)
Nays: 0
Absent: 0

Ordinance 13-05 Approved

Designate Accounts Ordinance - Trustee Selman motioned to approve the Designate Accounts Ordinance. Trustee Meroni seconded. Roll Call.

Ayes: 7 (Harrington, Konicek, Meroni, Selman, Messer, Gohl & McLaughlin)
Nays: 0
Absent: 0

Ordinance 13-06 Approved

ROADS & BRIDGES – Patty Meroni

Monthly Report

2013 Drainage Program - The contract has been executed with A Call Construction following Board approval at the April 22nd Board of Trustees meeting. A pre-construction meeting and start of construction is scheduled for May 28th. Dan Strahan is working through the permitting process with McHenry County and the Army Corps of Engineers.

Cuba Road Bridge - Phase Two Engineering Agreement has been submitted by IDOT for approval following Board approval of Gewalt Hamilton as Village Engineers for the project as required by statute. Environmental clearances are still pending, but biological and wetland cleared on May 13th. Right of Way impacts to private property was presented to the ZBA on May 20th.

Spring Creek Road - Spring Creek Road was approved as a FAU route designation by the McHenry County Council of Mayors on Thursday, May 16th thus qualifying as being eligible to apply for funding.

A drainage survey at 245 Oak Knoll Road has been ordered to investigate complaints from a resident that during earlier drainage and resurfacing work drain tiles were damaged by the Village that have resulted persistent flooding to the resident's property.

Complaints from a resident on Spring Creek Road about persistent flooding caused by both surface run off and a retention pond which is not working as planned are being investigation.

April Flooding - After the wettest April on record, massive flooding in the region and VBH, we have officially ended last year's drought. The Village has been repairing damage to roads. Trustee Meroni visited, photographed and met with a number of residents to review their flooding.

Dan Strahan, Bob Kosin and Patty Meroni met with the newly elected Cuba Township Highway Commissioner, Randall Marks on May 14th, to review the services that Cuba Township provides

to the Village and how we will operate going forward. We all agreed that a formal intergovernmental agreement should be drafted as a guide for future use.

Annual Run for the Arts Resolution – Trustee Meroni motioned to approve the Annual Run for the Arts Resolution. Trustee Selman seconded. All present said Aye. It was brought up that that Section 2. Responsibility and Liability should be addressed further. Trustee Meroni motioned to table this resolution until the June Board meeting. Trustee Selman seconded. All present said Aye.

Motion Tabled

2013 Road Program Bids – Village Engineer Dan Strahan stated that five bids were received for the 2013 Road Program at the Village Hall on May 16th. Here were the amounts as read:

Arrow Road Construction: \$697,430.10
Geske & Sons, Inc.: \$698,423.75
Curran Contracting: \$745,618.90
Schroeder Asphalt Services: \$756,070.20
Johnson Paving: \$797,629.30

The low is under the budgeted amount of \$710,000, and was inclusive of both the full length of Spring Creek Road (Ridge to Haeger's Bend) and Three Lakes Road.

Gewalt Hamilton's recommends that the Village Board award the 2013 Road Program work package to Arrow Road Construction in the amount of \$697,430.10.

Trustee Meroni motioned to approve awarding the 2013 Road Program the program to Arrow Road Construction. Trustee Gohl seconded. Roll Call.

Ayes: 7 (Harrington, Konicek, Meroni, Selman, Messer, Gohl & McLaughlin)
Nays: 0
Absent: 0

Motion Approved

PUBLIC SAFETY – Fritz H. Gohl

Monthly Report – Trustee Gohl presented the monthly report which was included in the Board of Trustees meeting packet. He also advised that twenty-three bicycle violations have been issued.

Surplus Property Ordinance – Trustee Gohl motioned to approve the Surplus Property Ordinance. Trustee Selman seconded. Roll Call.

Ayes: 7 (Harrington, Konicek, Meroni, Selman, Messer, Gohl & McLaughlin)
Nays: 0
Absent: 0

Ordinance 13-07 Approved

BUILDING AND ZONING - Joseph S. Messer

Monthly Report – Trustee Messer advised that there were three building permits issued in March, 2013 and six more from May 1st to May 16th.

363 Bateman Cir S: Police Department served Ms. Marie Stallone (daughter who signed contract to have trees removed) for August 24th court date re: mitigation. ComEd has cut service to this property. In court on February 15, James Bush received a judgment of \$82,320.00 for mitigation, in addition to the previous \$7,000. Judgment for the removal of trees. James Busch has been requested to research discovery of assets for Ms. Stallone. A complaint was received regarding the condition of the horses and the Building Department checked investigated and contacted the IL Department of Agriculture, who opened another case and turned it over to Donna Ewing (H.A.R.P.S.) to investigate.

Update: In the beginning of May, five of the horses were removed from the property and the four remaining horses have food, water and adequate fencing.

8 Jennifer Court: Landscape contractor submitted plans to correct septic problem July 25th. GHA reviewed plans and responded via letter on August 6th. GHA had five issues with the plan. Citations issued for 4-2-7 (D) discharge of sewage, 4-3-3 (1) altered drainage and 7-1-2 created cesspool. Resident did not appear in court on March 12th and the Village received a judgment of \$750.00 for each of the three citations issued. Resident advised of judgment by certified letter and advised to correct issues. No response has been made to the Building Department or Village Engineer to date. Conditions still exist per Village Engineer.

Update: Still no response or correction by the property owner.

551-553 Cuba Road: Home Occupation violation (mulch pile & landscaping) letter sent July 20th with 45 day response date September 4, 2012. Dave Myers provided a letter to the Building Department August 29th stating he plans to be in compliance within the next 60 days or October 23, 2012. Property owner appeared for April 12th court date and property owner has agreed to comply within sixty days.

Update: Return court date June 18th.

385 Spring Creek Road: Expired pond permit issued August 7, 2006. Final notice letter requiring work to be completed and an "as built" drawing filed with the Village sent to property owner Roman Udzielak on July 20th with 45 day response date. Per the mortgage bank's attorney, home was sold back to bank on October 22nd with confirmation date of January 23rd. Dry hydrant is still under consideration in the 2013 Road Program. Sale confirmation set for June 10th.

Update: Dry hydrant was not included in the 2013 Road Program due to funds limitation. Village Engineer to contact property owners.

594 Plum Tree Road: Roads were created and property has become a dumping ground, although no further complaints since stop work order was posted. Realtor advised the Village the property is occupied by the owner. All attempts to contact property owner have failed to result in any response from owner. Property to be checked periodically for any further construction. Advised owner representative on March 19th that permit is required and plans to be submitted. Village Engineer's report be sent again to property on April 25th per representative's request

Update: Certified mail was again returned unclaimed.

1313 Plum Tree Road: Building permit issued August 31, 2006 for an addition and alteration. Rough inspections were made, last ones being completed in 2008, but the permit remains uncompleted. Property owner is in litigation with contractors. Certified letter sent November 27th advising the Village will close expired permit and any further work will require property owner to

obtain new building permit to complete work. Building Department to request status inspection before closing expired permit. Mr. Colby will be returning to the area early April and will schedule a status inspection at that time as no one is available to allow access to property.

Update: Mr. Colby has scheduled a status inspection for May 20th.

358 Bateman Circle South: Resident was re-grading property without a site development permit and a stop work order was posted November 1st. Resident is working with an engineer and Dan Strahan to provide necessary documents for site development permit. Dan Strahan advised the contractor could remove soil from right-of-way while awaiting building permit. Application submitted March 4th, awaiting plan revisions..

Update: Resident to submit petition for variance to Zoning Board of Appeals.

Ridge Road south of Oak Knoll Road: Building Department received a complaint of hazardous trees. Village Arborist contacted to review and he advised there are several (12-14) trees that are dead and decaying. These trees are potentially hazardous and should be removed in a timely manner. Certified letter mailed to two property owners advising them of the condition of these trees.

109 Remington Drive: A swimming pool permit was issued but it was discovered Heritage trees were being removed in an area away from the pool installation. On May 10th, a Stop Work Order was posted and the resident advised. Also noted was access to the property was being made from Bateman Road and no Cook County access permit was issued. This access road, along with the pool area and grading on the property increased the area of disturbance to exceed 5,000 square feet, thus requiring a site development permit. The property owner met with the Building Department, Village Engineer and Village Arborist on May 13th and he was advised not to access property from Bateman Road and to restore the access road and drainage area. He was also advised he would have to replace 60” of Heritage trees.

ZBA Monthly Report – Trustee Messer advised that the Board review for the June Board meeting, two Ordinances approved by the ZBA at the May 20th meeting, one crafted to amend the Building Code to make it uniform and the second to amend the Building Code Sections 5-10-3 and 5-10-4.

No budget or commitment is being requested by this discussion

PLANNING – Colleen Konicek

Monthly Report: The Plan Commission’s May 13th meeting was cancelled.

East Dundee IAA Land Use Report – East Dundee has not made a final decision on this. Janet Agnoletti of BACOG continues to work with IEPA. Trustee Meroni asked about the possibility of Cook County Forest Preserve purchasing this property. Nancy Schumm, Consultant, is looking into this aspect.

Flint Creek Lot 5 – Dan Shapiro addressed the Board as he is representing Chicagoland Foreign Investment Group (CFIG) who is the contract purchaser of the southern 5.36 acres of Commercial lot 5. This property is the subject of a 2004 IGA between the Village of Barrington and the Village of Barrington. CFGI would like to develop and construct a 102 unit senior living facility

of which 74 units will be for assisted living and 28 units will be for memory care. They are requesting permission to construct a building up to 90,000 square feet with access from Hart Road. CFGI suggests maintaining the business park zoning classification and amend the text of the Village's Zoning Ordinance to provide for senior living housing as a use within that classification. In addition, CFGI will work cooperatively with both Villages to amend the IGA in order to accommodate the development and provide an additional 50,000 square feet of buildable area for office use on the northern half of Lot 5.

INSURANCE – Michael Harrington

Monthly Report – Nothing new to report.

HEALTH, ENVIRONMENT, BUILDINGS & GROUNDS – Michael Harrington

ATTORNEY – Doug Wambach

Pending Litigation – Updates included in Board of Trustees packet.

Personnel – No report.

ADMINISTRATION – President McLaughlin

Appointments – President McLaughlin proposed the following appointments.

Dan Wolfgram – Plan Commission – 3 Year Term

Pamela Cools – Plan Commission – 3 Year Term

Arnold Cernick – Plan Commission – 1 Year Term (finishing Mike Harrington's position)

P. Denise Israel – Heritage & Environs Committee Chair

Trustee Messer motioned to approve these appointments. Trustee Konicek seconded. Roll Call.

Ayes: 6 (Harrington, Konicek, Meroni, Messer, Gohl & McLaughlin)

Nays: 1 (Selman)

Absent: 0

Motion Approved

Blue Star Dedication Resolution – Memorial Day is Monday, May 27th, and on that day there will take place a dedication of the Blue Star Memorial Marker. It will be at 1:00 p.m. The afternoon schedule is an attempt to have little conflict with other area events. Trustee Harrington motioned to approve the Blue Star Memorial Day Resolution. Trustee Selman seconded. All present said Aye.

Resolution 13-09 Approved

Living 60010 - Trustee Messer introduced Mr. Ray Mina, who launched a Website called Living 60010 that took a year and one half in the making. It was launched last week and his goal is to unite the Barrington communities. He presented the subject of hosting a summit of social service organization who have a presence in the Village of Barrington Hills. A purpose would be to identify their existence, services and organizational structure such as the Riding Club, Barrington

Hills Conservation Trust, the Garden Club, the Polo Club, etc.

President McLaughlin asked for a motion to approve the Villages commitment to Living 60010. Trustee Selman motioned approve this commitment. Trustee Messer seconded. All present said Aye.

Motion Approved

Trustee Selman made the motion to adjourn the Public Session at 9:45 p.m. Trustee Meroni seconded. All present voted Aye:

Approved_____

Meeting Adjourned